



Deval L. Patrick
Governor

The Commonwealth of Massachusetts

Department of Public Safety

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 727-5732

TTY (617) 727-0019

www.mass.gov/dps

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

DEPARTMENT OF PUBLIC SAFETY ADMINISTRATIVE RULING No. 2014-03

In-Service Training and Company Property Exemption

Pursuant to M.G.L. c.30A, §8 and M.G.L. c.146, §53, this shall serve as the Department of Public Safety's official interpretation of M.G.L. 146, §53(e) and the corresponding regulations found at 520 CMR 6.06 and 6.07 with respect to in-service training and company property exemption requirements.

Question:

How do the in-service training and company property exemption provisions within Chapter 146, section 53(e) and 520 CMR 6.06 and 6.07 apply in light of OSHA requirements for the workplace training of powered industrial truck operators found at 29 CFR 1910.178(l)?

Answer:

The Department interprets the law to allow total or partial exemption from all hoisting licensure and in-service training requirements for qualifying companies. Both full and partial exemption will depend on the general public's access to company property and the type of hoisting equipment operated on company property.

With respect to full exemption, any company that falls within the definition under M.G.L. c.146, §53(e)(2) and operates only industrial lift trucks and forklifts exclusively on company property will be fully exempt from all hoisting licensure and in-service training requirements if the general public does not have access to any area where industrial lift trucks and forklifts are operated. With respect to partial exemption, any company that falls within the definition under M.G.L. c.146, §53(e)(2) and operates industrial lift trucks and forklifts in addition to other hoisting equipment exclusively on company property will be partially exempt from hoisting licensure and in-service training requirements if the general public does not have access to any area where industrial lift trucks and forklifts are operated. Section 53(e) of Chapter 146 and 520 CMR 6.06 and 6.07 will apply to the operation of other hoisting equipment regardless of public access to areas of operation.

Dated: November 14, 2014